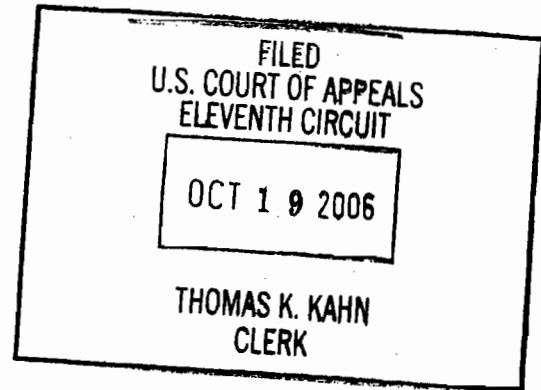


IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-10306-EE



LESSIE ANDERSON, BURNICE CRETCHER,
BRENDA GETER, et al.,

Plaintiffs-Appellants,

versus

CAGLES, INC.,
CAGLE FOODS JV, LLC, et al.,

Defendants-Appellees.

Appeal from the United States District Court for the
Middle District of Georgia

Before TJOFLAT, BLACK, and CARNES, Circuit Judges.

BY THE COURT:

This case may PROCEED IN PART. We have appellate jurisdiction over the January 6, 2006, notice of appeal and the March 30, 2006, amended notice of appeal from the district court's December 8, 2005, and December 9, 2005, separate judgment granting Cagle Foods JV, LLC's motion for summary judgment and its March 30, 2006, order denying Cagle Foods' employees Fed.R.Civ.P. 59(e) tolling motion to alter or amend the judgment. See Fed.R.App.P. 4(a)(1)(A), (4)(a)(4), Rinaldo v. Corbett, 256 F.3d 1276, 1278 (11th Cir. 2001); Finch v. City of Vernon, 845 F.2d 256, 258-59 (11th Cir. 1988). Because the three plaintiffs-employees who entered into the August 1995 settlement agreement with

B. Mitchell
FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATLANTA, GEORGIA
OCT 19 2006

A True Copy - Attested:
Clerk, U.S. Court of Appeals
Eleventh Circuit
By: *[Signature]*
Deputy Clerk
Atlanta, Georgia

Cagle's, Inc., did not file a notice of appeal, this case is DISMISSED as to them, and Cagle's motion to dismiss is DENIED AS MOOT. The district court's March 30, 2006, denial of the opt-in plaintiffs' motion to intervene to enable them to appeal the decertification order is CARRIED WITH THE CASE because they did not file a separate notice of appeal from the order, instead joining the party plaintiffs' March 30 notice of appeal. See Fed.R.App.P. 3(c); United Airlines, Inc. v. McDonald, 432 U.S. 385, 394-96, 97 S.Ct. 2464, 2469-71, 53 L.Ed.2d 423 (1977); Cameron-Grant v. Maxim Healthcare Services, Inc., 347 F.3d 1240, 1246-49 (11th Cir. 2003); Armstrong v. Martin Marietta Corp., 138 F.3d 1374, 1385 (11th Cir. 1998), en banc. The parties may, but are not required to, file supplemental briefs to address this jurisdictional issue.